

**REMARKS**

Claims 1-33 are pending. Of those, claims 1, 13, 20-24 and 26 are independent.

**Rejection Under § 102 Over '227 Patent**

Beginning on page 3 of the Office Action, claims 24 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,085,227 to Edlund et al. (the '227 patent). Applicant traverses.

The '227 patent is directed to internet-based actuation of a remote device. A user, via a web browser 108 and command processors 110, 112 (hosted by a first server 104) and 122 (hosted by a second server 104), sends commands to a remote device 106; see col. 2, lines 11-14 and 19-22. Such commands control specific parameters of remote device 106 and/or control operation of remote device 106; see col. 3, lines 53-55. In some instances, a task manager 120 (an intermediary between command processors 112 and 122) may translate a user's command into a device-dependent version of the command; see lines 14-16 of col. 5. Such translation can be done, e.g., via a look-up table.

In contrast, independent claim 24 recites (in part) at least one of testing and manipulating parameters of a separate system using an executable file resident on a server by the server receiving a request from a web browser to execute the executable file on the server, where execution of the executable file causes the separate system to be tested or manipulated.

Regarding the '227 patent, Applicant is willing to assume for the sake of argument that the overall function of the commands sent by the user via browser 108 corresponds to the function of the executable file resident on the server, as recited in claim 1. But when the user of browser 108 sends the commands via command processor 110, etc., it is as if the user is sending the executable file from browser 108 via command processor 110, etc. That is, the user of browser 108 of the '227 patent does not send a request to execute an

executable file on the server, rather the user sends an equivalent of the executable file.

Thus, a distinction of claim 1 over the '227 patent is the server receiving a request from a web browser to execute the executable file on the server, where execution of the executable file causes the separate system to be tested or manipulated.

Claim 26 recites features similar to claim 24 and thus distinguishes over the '227 patent at least for the same reasoning.

In view of the foregoing discussion, the § 102(e) rejection over the '227 patent is improper and Applicant requests that it be withdrawn.

### **Rejections Under § 103 Over '023 Patent**

Beginning on page 3 of the Office Action, claims 1, 2, 3, 7, 10, 13-15, 17 and 20-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over U.S. Patent No. 6,598,023 to Drummond et al. (the '023 patent) in view of U.S. Patent No. 6,336,072 to Takayama et al. (the '072 patent). Applicant traverses.

The '023 patent is directed to a network architecture for automated teller machines (ATMs). In Fig. 1, ATMs 12 connect via an intranet 16 to a home bank 14. According to Fig. 2, each ATM 12 includes a browser 76. A user of ATM 12 may insert an identification card into a card reader 38, which causes information stored thereon to be uploaded to computer 34 of ATM 12. The information stored on the card may include a URL where additional information about the user is stored within the network of which ATM 12 is a part; see col. 12, lines 44-52. Browser 76 can transfer the user's URL to proxy server 88 in the relevant bank's system 14; see col. 13, line 64 to col. 14, line 4. Then proxy server 88 will provide the URL to HTTP server 90, for the URL has identified a storage location therein; see col. 14, lines 4-5.

The Examiner has asserted that the '023 patent teaches a browser which receives a set of commands, though the commands are not explicitly contained in a script or program. Applicant traverses. As discussed above, Applicant

acknowledges that the '023 patent teaches a browser 76 that receives a user's URL and transmits that URL ultimately to an HTTP server 90. But it is unreasonable to interpret transmission of a URL as receiving a set of commands.

A distinction of claim 1 over the '023 patent the server providing a web page to the web browser, the first web page being configured to accommodate a set of commands that are to be contained in a script or program. It is to be noted that this is different than if Applicant had recited a set of commands that could be contained in a script or program. Again, the '023 patent merely discloses that browser 76 can receive a URL from card reader 38 identifying where additional information about a user of ATM 12 can be found.

The Examiner asserts that the '072 patent discloses that a user can input a script to a web browser. Applicant traverses.

Applicant is willing to assume for the sake of argument that the '072 patent discloses a browser that can receive navigation information. The '072 patent refers to such navigation information as a navigation script (or navascript); see col. 8, lines 14-22. But it would be an overestimation to describe a navascript as a script of commands. For the reader's convenience, the '07 patent's description of the navigation information (see col. 7, line 66 to col. 8, line 14) is reprinted as follows:

According to the present invention, an instruction sequence composed of data (such as text data, image data, voice data, etc.) of time, point, and information for guidance, which are stored in various formats, is described in a markup language description format.

An instruction is a unit of a script composed of navigation information including times (such as a departure time, en-route times, an arrival time, a start time, an end time, etc.), and points (such as a departure point, en-route spots, a destination, an intersection, a transfer point, a facility location, etc.), and one shot or a portion of various media data (a

map, text, voice, music, an image, a video, etc.). The instruction is, for example, a directive for outputting voice data (aaa.wav) and image data (xxx.jpg), which explain a point A, at the point A on a certain route.

Applicant submits that a naviscript is not a script of commands. Rather, the naviscript is a set of data, e.g., a departure time, en-route times, an arrival time, a start time, an end time, etc., a departure point, en-route spots, a destination, an intersection, a transfer point, a facility location, etc., the name of a audio file, the name of a picture file, etc.

As such, the '072 patent cannot make up for the deficiencies of the '023 patent noted above. Moreover, if the '023 patent were modified as suggested by the Examiner, then browser 76 of ATM 12 would receive a URL of a user and set of navigation information, the latter being irrelevant to ATM 12. Thus, the server providing a web page to the web browser, the first web page being configured to accommodate a set of commands that are to be contained in a script or program, as recited in claim 1, also is a distinction over the '072 patent. Claims 2, 3, 7, 10, 20 and 22 depend at least indirectly from claim 1, respectively, and thus share at least the distinction of claim 1 by dependency.

Claim 13 recites features similar to claim 1 and thus distinguishes over the combination of the '023 patent and the '072 patent at least for the same reasoning. Claims 14, 15, 17, 21 and 23 depend at least indirectly from claim 13, respectively, and thus share at least the distinction of claim 13 by dependency.

In view of the foregoing discussion, the § 103(a) rejection over the '023 patent as modified according to the '072 patent is improper and Applicant requests that it be withdrawn.

#### **§ 103 Rejections Based Upon '227 Patent**

Additional rejections under §103(a) have been made based upon the '023 patent. Applicant traverses.

None of the references that assertedly would have been used to modify the '023 patent can be considered a teaching of the distinctions over the '023 patent, noted above. Accordingly, each of the rejections based upon a combination of references for which the '023 patent is the primary reference is improper. And Applicant requests that each be withdrawn.

**§ 103 Rejections Based Upon '227 Patent**

Additional rejections under §103(a) have been made based upon the '227 patent. Applicant traverses.

None of the references that assertedly would have been used to modify the '227 patent can be considered a teaching of the distinctions over the '227 patent, noted above. Accordingly, each of the rejections based upon a combination of references for which the '227 patent is the primary reference is improper. And Applicant requests that each be withdrawn.

**CONCLUSION**

The issues in the case were considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.

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**Person to Contact**

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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